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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TC 2600

Attorney Docket No. 029471/0146

Applicant: Hidehiko OKADA

Title: GUI CONTROL METHOD AND APPARATUS AND RECORDING MEDIUM

Serial No.: 09/758,549

Filed: January 12, 2001

Examiner: L. Nguyen

Art Unit: 2672

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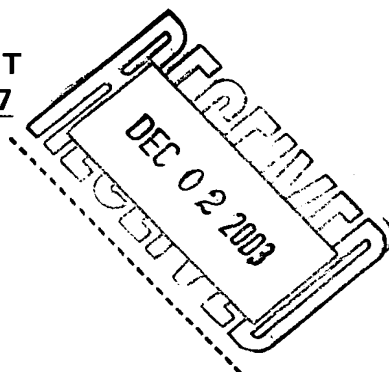
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Technology Center 2600

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:



Submitted herewith on Form PTO-SB08 is a list of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any documents which is determined to be a prima facie prior art reference against the claims of the present application.

### **TIMING OF THE DISCLOSURE**

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

### **CERTIFICATION**

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

### **RELEVANCE OF EACH DOCUMENT**

A translation of a portion of a Japanese Office Action that issued October 7, 2003 with respect to a counterpart Japanese patent application is provided below.

"Note

(For a list of the cited literature, see the List of Cited Literature.)

1. Regarding Claims 1, 4, 7, 8, 11, 12, 16 and 17 - Cited Literature 1

Comparing the invention in Claim 1 and the invention described in Cited Literature 1 (in particular, see Figures 4 to 7 and related descriptions), they are not particularly different.

In addition, the same can be said for the inventions in Claims 4, 7, 8, 11, 12, 16 and 17.

2. Regarding Claims 2 and 9 - Cited Literature 2

In the invention described in Figure 7 and in the related description in Cited Literature 2, the command for the application is given in correspondence to the selection on the menu screen. Also, whether "the original screen of the software is hidden" or not by said menu screen should merely be an appropriate design decision by a person skilled in the art.

In addition, the same can be said for the invention in Claim 9.

3. Regarding Claims 3, 10, 15 and 20 - Cited Literature 1 and 3

Cited Literature 3, Figure 6 and the related description disclose that a program (software) that corresponds to a function is activated when said function (process to be carried out) is selected from the menu.

The invention described in Cited Literature 1 and 3 belongs to a common technological field called GUI control, and therefore it cannot be recognized that the construction of the invention in Claim 3 was particularly difficult based on both of these.

In addition, the same can be said for the inventions in Claims 10, 15 and 20.

4. Regarding Claims 5, 13, 18 and 21 - Cited Literature 1 through 3

In addition to the matters pointed out in the aforementioned 1 to 3, in accordance with the description in Claim 5, the "GUI parts on the cover screen" are a duplication of the "data displayed on the GUI parts of the original screen of the software" and therefore, the GUI parts on the cover screen are a mere copy of the GUI parts on the original screen of the software, and no particular difference between both is recognized.

Furthermore, no particular technical difficulty is found in simply laying a copied screen over said original screen.

In addition, the same can be said for the inventions in Claims 13, 18 and 21.

5. Regarding Claims 6, 14 and 19 - Cited Literature 1 and 2

Refer to the matters pointed out in the aforementioned 4.

In addition, the same can be said for the inventions in Claims 14 and 19."

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, which is asserted in the Japanese Office Action.

Applicant respectfully request that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form-SB08 be returned in accordance with MPEP §609.

Respectfully submitted,

November 25, 2003  
Date

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<p style="text-align: center;">Substitute for form 1449B/PTO</p> <p style="text-align: center;"><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p style="text-align: center;">Date Submitted: November 25, 2003</p> <p style="text-align: center;">(Use as many sheets as necessary)</p> <p>Sheet 1 of 1</p>		<p style="text-align: center;"><b>Complete if Known</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>09/758,549</td> </tr> <tr> <td>Filing Date</td> <td>01/12/2001</td> </tr> <tr> <td>First Named Inventor</td> <td>Hidehiko OKADA</td> </tr> <tr> <td>Group Art Unit</td> <td>2672</td> </tr> <tr> <td>Examiner Name</td> <td>L. Nguyen</td> </tr> <tr> <td>Attorney Docket Number</td> <td>029471-0146</td> </tr> </table>		Application Number	09/758,549	Filing Date	01/12/2001	First Named Inventor	Hidehiko OKADA	Group Art Unit	2672	Examiner Name	L. Nguyen	Attorney Docket Number	029471-0146
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U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	A1	JP	55-20528			02/14/1980		X
	A2	JP	63-228214			09/22/1988		X
	A3	JP	7-225664			08/22/1995		X
	A4	JP	7-262283			10/13/1995		X
	A5	JP	10-207676			08/07/1998		X
	A6	JP	11-65795			03/09/1999		X
	A7	JP	11-265246			09/28/1999		X

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>

Examiner Signature	Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.